

ORDINANCE NO. 12-_____

WHEREAS, the City Council of the City of Huntsville, Alabama, adopted Ordinance No. 12-221, on March 8, 2012, authorizing the vacation of a portion of a 10-foot utility and drainage easement located at Lot 40, Remington Place 2nd Addition, Plat Book 27, Page 33, and authorizing the Mayor to execute a deed to "Jeff Benton Homes, LLC." (A copy of Ordinance No. 12-221 is attached hereto).

WHEREAS, in drafting Ordinance No. 12-221, a typographical error was made misstating that the portion of the utility and drainage easement be deeded to "Jeff Benton Homes, LLC," and that the correct name should have read "Jeff Benton Properties, LLC."

BE IT ORDAINED by the City Council of the City of Huntsville, Alabama, that Ordinance No. 12-221 be revised to read "Jeff Benton Properties, LLC."

ADOPTED this the 22nd day of March, 2012.

President of the City Council
of the City of Huntsville, Alabama

APPROVED this the 22nd day of March, 2012.

Mayor of the City of
Huntsville, Alabama

ORDINANCE NO. 12-221

BE IT ORDAINED by the City Council of the City of Huntsville, Alabama, as follows:

Section 1. The City Council of the City of Huntsville, Alabama, finds that an application has been presented to the City of Huntsville requesting a vacation of a portion of a utility and drainage easement; that the applicant has represented to the City of Huntsville that Jeff Benton Homes, LLC, is the owner of the property across which said easement lies; that said easement or portion being vacated is not presently used and are no longer needed for a public or municipal purpose.

Section 2. Pursuant to the findings in Section 1 hereinabove, the Mayor of the City of Huntsville, Alabama, is hereby authorized, requested and directed to execute a quitclaim deed vacating the easement hereinafter described, said deed being substantially in words and figures as follows, to-wit:

STATE OF ALABAMA)
 :
COUNTY OF MADISON)

KNOW ALL MEN BY THESE PRESENTS: That the undersigned, **CITY OF HUNTSVILLE, ALABAMA**, an Alabama municipal corporation, hereinafter referred to as "Grantor", in consideration of the sum of TEN DOLLARS (\$10.00), in hand paid to it by **JEFF BENTON PROPERTIES, LLC**, an Alabama limited liability company, hereinafter referred to as "Grantee", and other good and valuable consideration, the receipt and sufficiency whereof is hereby acknowledged, does hereby remise, release, quitclaim and convey unto the said Grantee, all of the Grantor's right, title, interest and claim in and to the following described real estate situated in the City of Huntsville, County of Madison, State of Alabama, to-wit:

ALL THAT PART OF LOT 40 OF REMINGTON PLACE, SECOND ADDITION, AS RECORDED IN PLAT BOOK 27 ON PAGE 33 IN THE PROBATE RECORDS OF MADISON COUNTY, ALABAMA, MORE PARTICULARLY DESCRIBED AS COMMENCING AT A 1/4" IRON ROD FOUND AT THE SOUTHWEST CORNER OF SAID LOT 40; THENCE, ALONG THE PROPERTY LINE BETWEEN LOT 40 AND LOT 41 (STATE PLANE BEARINGS) NORTH 48 DEGREES 44 MINUTES 46 SECONDS EAST 25.63 FEET; THENCE, LEAVING SAID PROPERTY LINE, INTO SAID LOT 40, AND INTO A TEN-FOOT, PUBLIC UTILITY AND DRAINAGE EASEMENT (PUDE), SOUTH 41 DEGREES 15 MINUTES 14 SECONDS EAST 5.34 FEET TO THE NORTHWEST CORNER OF AN EXISTING TWO-STORY BRICK HOUSE, THIS BEING THE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED;

THENCE, FROM THE POINT OF BEGINNING, ALONG THE NORTHERLY FACE OF SAID HOUSE, NORTH 64 DEGREES 47 MINUTES 03 SECONDS EAST 16.86 FEET TO THE INTERSECTION OF SAID HOUSE WITH THE SOUTHERLY BOUNDARY OF THE AFOREMENTIONED TEN-FOOT PUDE; THENCE, INTO SAID HOUSE, ALONG THE SOUTHERLY BOUNDARY OF SAID PUDE, SOUTH 48 DEGREES 44 MINUTES 46 SECONDS WEST 17.54 FEET TO THE WESTERLY FACE OF SAID HOUSE; THENCE, ALONG THE WESTERLY FACE OF SAID HOUSE, INTO SAID PUDE, NORTH 25 DEGREES 12 MINUTES 57 SECONDS WEST 4.85 FEET TO THE POINT OF BEGINNING, CONTAINING 41 SQUARE FEET, MORE OR LESS.

TO HAVE AND TO HOLD unto the said Grantee, its successors and assigns forever.

IN WITNESS WHEREOF, the Grantor has caused this quitclaim to be signed in its behalf by its Mayor and attested by its Clerk-Treasurer, on this the 8th day of March, 2012.

ATTEST:

CITY OF HUNTSVILLE, ALABAMA,
a municipal corporation

By: Charles E. Hagood
Charles E. Hagood, Clerk-Treasurer

By: Tommy Battle
Tommy Battle, Mayor

STATE OF ALABAMA)
 :
COUNTY OF MADISON)


I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that **TOMMY BATTLE** and **CHARLES E. HAGOOD**, whose names as Mayor and Clerk-Treasurer, respectively, of the **CITY OF HUNTSVILLE, ALABAMA**, a municipal corporation are signed to the foregoing instrument, and who are known to me, acknowledged before me on this day that being informed of the contents of the instrument, they, as such officers and with full authority, executed the same voluntarily for and as the act of said corporation on the day the same bears date.

Given under my hand and official seal this the 8th day of March, 2012.

Delinda Sear
Notary Public
My Commission Expires: 8-1-2012

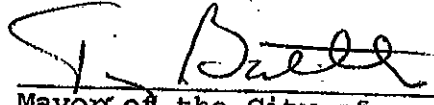
Ordinance No. 12-221 (Cont.)
Jeff Benton Homes, LLC

ADOPTED this the 8th day of March, 2012.



President of the City Council
of the City of Huntsville, Alabama

APPROVED this the 8th day of March, 2012.



Mayor of the City of
Huntsville, Alabama